IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

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WRIT PETITION NO : 18086 of 1994

Between:

Md. Kamalluddin , son of Jamaluddin,
R/o. C-19, Dharoor Camp, Jagithyal,
Kareemnagar District.

..... PETITIONER

AND

1 Depot Manager, Andhra Pradesh, State Transport Corporation,
Bus Depot,Korutla,
2 Industrial Tribunal cum Labour Court at, Godavarikhani,
Khammam.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate writ order or direction declaring the award dated. 05.03.1992 in I.D.No.323 of 1990 on the file of Industrial Tribunal-cum-Labour Court Godavarikhani published vide G.O.Rt.No. 1203 Womens development Child Welfare & Labour (Lab-i) Department dt: 04.06.1992 holding the same illegal, arbitrary, unconstitutional and without jurisdiction and pass

Counsel for the Petitioner : MR.A.RAJASEKHAR REDDY

Counsel for the Respondent No.1 : Smt. G.JYOTHI KIRAN

Counsel for the Respondent No.2 : GP FOR LABOUR

The Court made the following :

O R D E R:

The Writ Petition is filed challenging the Award dated 05-03-1992 passed in I.D.No.323 of 1990 by the Industrial Tribunal-cum-Labour Court, Godavarikhani.

2. The petitioner was a driver in A.P.S.R.T.C. On 05.10.1987, disciplinary proceedings were initiated against him for negligent driving of the bus, which resulted in instantaneous death of a pedestrian, who was carrying the milk. After conducting the enquiry, the petitioner was removed from service by an order dated 29.10.1988. Thereafter, he raised industrial dispute in I.D.No.323 of 1990 on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani. Before the Tribunal, material relating to enquiry proceedings was placed and the Tribunal having considered the same held that the punishment of removal from service was justified and that the petitioner was responsible for causing the accident, which resulted in death of a pedestrian. Against the said Award, the present Writ Petition has been filed.

3. The learned Counsel for the petitioner submits that even by the date of raising the dispute the petitioner was acquitted by the competent Criminal Court and therefore, the Tribunal ought to have taken this aspect into consideration while dealing with

the matter, even on merits also. The learned Counsel for the petitioner further submits that there is no evidence or document to establish that the petitioner had driven the bus in a negligent manner and on the other hand, it is mistake of the pedestrian who is responsible for the accident.

4. I am afraid, I am unable to accept any of the contentions. The Tribunal having gone into the aspect has categorically recorded the finding of fact that the petitioner was negligent in driving the bus, which resulted in a fatal accident. Such a finding cannot be interfered by this Court by invoking the provision under Article 227 of Constitution of India.

5. Therefore, I do not find any merit in the writ petition and the same is accordingly dismissed. No costs.

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(G.BIKSHAPATHY,J)

Dated: 22-07-2004

gs/ghn

To

1. Depot Manager, Andhra Pradesh, State Transport Corporation,
   Bus Depot, Korutla,
2 Industrial Tribunal cum Labour Court at, Godavarikhani,
   Khammam.

3. 2CCs to G.P. for Labour, High Court Buildings, Hyderabad(OUT)

4. 2CD copies